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TAGS: [KCRM](#) [PHUM](#) [KWMN](#) [ELAB](#) [GTIP](#) [CI](#)

SUBJECT: CHILE: SUBMISSION FOR SIXTH ANNUAL TIP REPORT
(PART 1 OF 2)

REF: A. STATE 3836

[B](#). 05 SANTIAGO 465

[C](#). 05 SANTIAGO 466

[1](#)1. (SBU) Summary: Chile continues to improve in its efforts to identify, investigate and prosecute trafficking in persons, and to protect trafficking victims. The number of known or suspected cases of cross-border trafficking in Chile is low, although there is a problem with domestic commercial sexual exploitation of minors (CSEM). The Government of Chile is increasingly focusing specific efforts on trafficking in persons (TIP). In 2005, the GOC named a national anti-TIP coordinator and ratified the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Legal reforms have improved mechanisms to prosecute traffickers, provide victim assistance and preserve victims' rights. The GOC is cooperating with OAS and MERCOSUR efforts to define the extent of TIP in the region, and has also begun compiling information on trafficking investigations and prosecutions domestically. The GOC could further improve its anti-TIP efforts by passing national legislation explicitly criminalizing TIP in all its forms; increasing public TIP awareness of and sensitivity toward TIP; providing temporary residency ("T" visa status) to victims; and training labor inspectors to identify possible trafficking situations. End Summary.

[1](#)2. (U) In accordance with reftel A request, Post is submitting data on trafficking in persons in Chile. Embassy point of contact for trafficking in persons issues is Political Officer Jeffrey E. Galvin, tel: (56)(2)330-3334; fax: (56)(2)330-3318; email: GalvinJE@State.gov.

[1](#)3. (SBU) OVERVIEW OF CHILE'S ACTIVITIES TO ELIMINATE TRAFFICKING IN PERSONS: Information provided below is keyed to questions from ref A, paragraph 21.

-- A. There are a significant number of juveniles involved in commercial sexual exploitation in Chile, almost all of whom are Chilean nationals, as well as some isolated cases of cross-border trafficking. Chile appears to be a country of origin, transit and destination for trafficked persons.

-- In the past, there were indications that a very small number of Chilean women were being tricked into the commercial sex trade in Argentina, Peru, and Bolivia through false job advertisements.

-- In February 2006, authorities detained two Chilean nationals and an Argentine citizen for trafficking nine Argentine women into prostitution in Antofagasta. The victims were allegedly promised relatively high-paying waitress jobs, only to be held at a remote location and forced into prostitution once in Chile. Two victims escaped

and contacted Chilean authorities, who rescued the other victims and arrested the traffickers. The victims were placed with the Antofagasta prosecutor's office victim assistance program, and an investigation had started at the time of this report.

-- In January 2006, there were 74 active prosecutions for juvenile commercial sexual exploitation: 27 for the promotion and facilitation of prostitution; 20 against clients of under-age prostitutes; 12 for production of pornographic material; and 15 for possession and distribution of pornographic material.

-- In November 2005, responding to a tip from a customer, authorities rescued three young Chinese women working at a Santiago spa recently opened by an ethnic Chinese Chilean citizen. The women were allegedly recruited in China and promised an opportunity to learn Spanish at a Chilean university. Once in Chile, they were forced to work at the spa giving massages to customers, living in a nearby hotel owned by the spa owner, with their freedom of movement restricted. The victims claim they were pressured to provide sex to clients but deny having actually engaged in sexual acts. Chilean prosecutors plan to finish their investigation by mid-April and file formal charges against the recruiter and the spa owner. The victims have been placed in a victim's assistance program by the Santiago South prosecutor's office.

-- In November 2005, Post was contacted by the Colorado Legal Services' Migrant Farmworkers Division, about two Chilean ranch-hands seeking T-visa protection and claiming to have suffered labor exploitation in Colorado. These individuals traveled to the U.S. on valid H2A visas. Post's attempts to obtain further information from Colorado Legal Services on

the recruitment of these individuals or other specifics of their case have been unsuccessful to date.

-- In January 2005, authorities in Chile and Peru arrested two women running a sham employment agency. The agency offered Peruvian women employment as waitresses in Chile, but upon arrival the victims were compelled to sign employment contracts and forced into prostitution. Three victims of this trafficking incident were repatriated to Peru.

-- Outside of a thwarted attempt by a Spanish couple to illegally adopt a Chilean infant, there were no reported cases of cross-border trafficking in 2004, based on information in the press and from the Investigative Police (Policia de Investigaciones de Chile - PICH).

Reliable sources, including the national Prosecutors Office (MP, Ministerio Publico), police, news reports, and NGOs, indicate that cross border trafficking for sexual or labor exploitation is limited in scope. However, no comprehensive or official statistics on TIP in Chile are currently available. What information is available tends to focus on sexual exploitation of children. A 2003 study by Chile's National Department of Children's Affairs (SENAME) examined the problem of commercial sexual exploitation of children under the age of 18 (the legal age for commercial sex workers in Chile). The majority of the juvenile victims lived with their own families or relatives. According to the study's conclusions, in 2003 more than 3700 children and adolescents were victims of commercial sexual exploitation in Chile. (Note: In January meetings with Poloffs (septel), both the Director of the National Women's Service and the acting head of the National TIP Coordinator's office expressed doubts about the validity of this study, saying its projections were based on a limited and not-scientific sample. End note.) The study stated that 78 percent of the victims were female and 22 percent were male, with the majority having initiated commercial sexual activity when they were 12-13 years old. Forty percent of the victims had not completed basic levels of education. The study concluded that this sexual exploitation was caused by a number of factors -- including extreme poverty, lack of education and training in both

schools and families, history of violence or sexual abuse within the family, and child labor.

-- B. Within Chile, victims of sexual exploitation have reportedly been trafficked from rural areas to urban areas (i.e., Santiago, Iquique, Valparaiso), and to towns near major mining operations in northern Chile. From Chile, victims have been trafficked to neighboring countries (Argentina, Peru, Bolivia), the U.S., Europe, and Asia, according to law enforcement officials. Victims also come from Peru, Argentina, Colombia and Bolivia to Chile, although it is difficult for authorities to distinguish trafficked persons from economic migrants.

Interviews conducted in 2004 by the NGOs La Morada and Instituto de la Mujer indicated that Chile is becoming a destination country in the region, due to economic difficulties in Peru, Bolivia and Argentina. Anecdotal evidence indicated that up to half of the women working in clubs and in the commercial sex trade in Santiago were foreigners. However, a senior Labor Ministry official told Poloff that the Ministry was aware of these claims, and stated there was no evidence to indicate the women referred to were trafficking victims.

Recognition of trafficking in persons (TIP) as a serious issue is increasing in Chile. In February 2005, Chile ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol). This Protocol requires Chile to ensure its national legislation effectively recognizes and punishes TIP as a serious crime. The GOC has designated an office in the Interior Ministry as National Coordinator for anti-TIP activities. Legal reforms which took effect nationwide in June 2005 have made the prosecution of TIP-related cases more rapid and transparent. The MP maintains statistics on criminal prosecutions, and plans to begin compiling statistics on TIP.

Official and NGO sources indicate that low-income, young women are the primary targets for trafficking within Chile and to other countries. PICH's BRISEX (sexual crimes brigade) reports alleged traffickers use newspaper advertisements to lure young women into the sex trade. One trafficking group used ads for jobs as models and product promoters to lure girls aged 11-17, and then took them to an apartment to engage in sex for money. Advertisements for relatively high-paying jobs as waitresses in neighboring countries or

towns near mining operations are another frequently cited ploy. Law enforcement agents claim, in general terms, that traffickers looking for children target economically disadvantaged families. Traffickers convince the parents they are giving the child the opportunity for education or legitimate employment. The parents reportedly do not know what actually happens to their children and therefore do not report the situation to the police.

It is relatively easy to obtain a work permit and residency in Chile. This, combined with recent labor reforms, good dissemination of information on labor rights, and generally effective enforcement reduces the likelihood of trafficking for labor exploitation. However, increasing economic migration may make it difficult to identify cases of illegal trafficking. Enforcement efforts were effective when possible trafficking situations were identified. Border control officials regularly question young women entering and leaving Chile about their intentions, and informed them of the possibility that an offer of work in a bar or club could be illegitimate.

-- C. There are few practical limitations on the government's ability to address TIP. Funding for law enforcement, prosecutors' offices and the courts is generally adequate. Overall resources dedicated specifically to anti-trafficking efforts are modest but increasing, as the GOC focuses on TIP as an important issue. The GOC provides funding for official travel to TIP conferences or workshops,

and has been receptive to Post offers of training in anti-trafficking efforts. Many of the services provided or partially funded by the GOC for victims of sexual violence in general are also available to trafficking victims. The GOC's budget for victim assistance was nearly USD 2 million in 2006.

-- D. To date, the GOC has not systematically monitored its anti-trafficking efforts. Poloff and TIP Regional Report Officer met with the National TIP Coordinator's Office (NTIPCO) in the Interior Ministry on January 27, 2006. NTIPCO was established in mid-2005, after Chile's ratification of the Palermo Protocols. It is in the process of collecting data from other branches of the GOC on their anti-TIP activities. Police data is made public, but is not disaggregated to identify trafficking or possible trafficking cases. In coordination with Save the Children, the GOC is developing an integrated system linking police, immigration and border control officials, social service agencies, hospitals, and morgues to help identify trafficking cases. The MP is attempting to compile interim information on trafficking investigations and prosecutions to release to Post.

14. (SBU) PREVENTION: Information provided below is keyed to questions from ref A, paragraph 22.

-- A. The GOC recognizes trafficking in persons occurs in Chile and has the legal framework to prosecute TIP and TIP-related activities as serious crimes. The GOC is placing more priority on anti-trafficking efforts, and is cooperating with regional efforts through the OAS and MERCOSUR to identify the extent and nature of TIP in the region.

-- B. The newly-formed National TIP Coordinator's Office (NTIPCO) in the Interior Ministry has the overall lead on TIP. The Ministerio Publico (MP, national Prosecutor's Office) is responsible for the investigation and prosecution of trafficking crimes. The Chilean Investigative Police (PICH) Brigada de Delitos Sexuales (Sex Crimes Unit) and Brigada de Cibercrimen (Cybercrime Unit) conduct surveillance and investigations. The Ministry of Interior is responsible for border security and immigration control. The National Childrens' Service (SENAME) and National Womens' Service (SERNAM) are involved in prevention and protection efforts. These agencies work in cooperation with the Ministries of Interior, Justice, Education and Health on prevention, public awareness and victim's assistance programs. There are also numerous NGOs and private organizations who have formed networks to address TIP-related issues.

-- C. On January 25-26, 2006, SERNAM conducted G/TIP-funded anti-trafficking programs for local officials and women's groups in the northern cities of Iquique and Arica. The program brought together presenters from the Interior Ministry, State Defense Council (roughly the equivalent of the U.S. Attorney General), and NGOs. The seminars were designed to inform local activists of national and international norms regarding trafficking, and to train local officials to identify trafficking and to use existing legislation and legal tools to attack the problem. The four

seminars reached a total of 100 local officials and 160 activists in the two cities.

-- On May 25-27, the MP in cooperation with GTZ (the German development corporation) and PICH conducted a seminar on "Fighting Child Pornography and the Trafficking of Persons for the Sex Trade." The seminar was attended by nearly 1000 law enforcement personnel from Chile and the region, with presentations by experts from Germany, the Netherlands and Chile. This seminar content will be the basis for an anti-TIP module to be taught at the Chilean Police Academy starting in 2006.

-- In 2004, the Ministry of Labor and SERNAM conducted labor rights seminars for domestic and service (bar and restaurant) workers and women's NGOs in Antofagasta and Iquique. While

not specifically targeting trafficking, these seminars were targeted to educate these high-risk populations of their legal rights and protections, and how to report abusive situations.

-- SENAME and the Ministry of Justice were involved in creating the national action plan against commercial sexual exploitation of minors (CSEM), and has conducted national campaigns to raise awareness of this issue. The multi-agency "Framework for Action Against the Commercial Sexual Exploitation of Children and Adolescents" created an annual review mechanism for GOC agencies and NGOs to meet and evaluate efforts to reduce sexual exploitation of children in Chile.

-- D. In an effort to keep children in school, the government passed legislation in 2003 that raised mandatory education from 8 to 12 years. The Ministry of Labor, in conjunction with the Ministry of Education and UNICEF, has a program to keep adolescents from leaving school in order to go to work, particularly for temporary agricultural jobs during the harvest season. The GOC funds Integra, a program that provides day-care for low-income families. The GOC also provides some funding to NGOs working on women's and children's issues.

-- E. Note: Ref A, paragraph 22, did not include a sub E. End note.

-- F. The GOC has generally positive relations with NGOs working on trafficking-related issues. Chilean civil society organizations are somewhat weaker than those in developed countries. The GOC encourages NGO activity in women's and children's issues and provides some funding. Nearly 80 percent of SENAME's budget supports NGO programs, particularly those that work with street children. However, most funding is project-based and on a year-to-year basis. While a variety of NGOs address the issue of trafficking in persons as part of their other activities, no single group has emerged as a driving force and effective partner on TIP for the GOC or international organizations.

-- G. Immigration controls are well developed, particularly in the airports, seaports and along the borders with Peru and Bolivia. The GOC monitors migration for unusual patterns that could indicate trafficking. However, due to the length of Chile's borders, GOC officials argue it is nearly impossible to monitor all movement of persons. The Policia Internacional (International Police), who are responsible for immigration matters and border security, are concerned about illegal migration, alien smuggling and human trafficking, mostly illegal adoptions. Post has a good working relationship with the police, and we have cooperated on many cases. Anecdotal evidence suggests that persons allegedly involved in human trafficking, illegal migration, and alien smuggling enter and exit Chile in those areas that are not well patrolled and may employ false documentation.

-- H. NTIPCO, housed in the Interior Ministry, is the GOC's designated point of contact on trafficking. It has created a formal multi-agency working group on trafficking, and is creating a mechanism for inter-agency coordination and communication. That said, this process is in its early stages. For example, a mid-level official at the MP told Poloff that Post should continue to solicit the MP directly for information on prosecutions.

There has been increasing cooperation between government agencies since 2002. PICH and Carabineros work with the Ministry of Interior to track missing persons in a combined database, and PICH created a dedicated missing persons unit in 2004. SENAME and the Ministries of Justice and Labor track child labor cases. SENAME, SERNAM, the Ministries of Government and Health, PRODEMU (the Foundation for the

Development and Promotion of Women) and the National Board of Chilean Child Care Centers (JUNJI; Junta Nacional de Jardines Infantiles) have formed the Protect Network (Red Protege),

which offers public awareness and education campaigns aimed at preventing juvenile sexual violence and abuse.

--J. The GOC has no national plan of action to address trafficking in persons.

SUBMISSION FOR SIXTH ANNUAL TIP REPORT CONTINUED SEPT
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